

## **REMARKS**

### **INTRODUCTION**

In accordance with the foregoing, no changes have been made to the claims. No new matter is being presented, and approval and entry are respectfully requested.

Claims 43-48 are pending and under consideration. Reconsideration is respectfully requested.

### **OBJECTIONS TO THE DRAWINGS**

In the Office Action at page 2, the drawings were objected to. Corrections to FIGS. 1-9 have been requested and replacement figures have been submitted herewith. Therefore, the outstanding drawing objections should be resolved.

Reconsideration and withdrawal of the outstanding objections to the drawings are respectfully requested.

### **REJECTION UNDER 35 U.S.C. §103(a)**

In the Office Action at pages 3-6, claims 43-48 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,597,999 to Kinba et al. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Kinba et al. teaches that a focus adjustment is first roughly executed based on a phase-difference detection auto focus (AF) at first, and then finely executed based on a contrast detection AF. According to the teachings of Kinba et al., since it is generally sufficient to obtain the distance information by means of the AF based on the phase-difference detection, the final in-focus information based on the contrast detection AF is unnecessary.

The present invention, in contrast, effectively uses both the contrast detection AF and the phase-difference detection AF. More specifically, a correction value for the phase-difference detection AF is created by the in-focus result of the contrast detection AF.

Independent claim 43 recites, in relevant part, "a storage device stored with a correction value for the focusing data created by at least one of said plurality of focusing estimating devices." Applicants respectfully submit that Kinba et al. fails to teach or suggest providing a storage device for storing a correction value, as recited in independent claim 43. For at least this reason, Applicants respectfully submit that claim 43 patentably distinguishes over the prior art and is in condition for allowance.

Independent claim 44 recites, in relevant part:

a second focusing estimating portion having a data detecting device for detecting an item of data for focusing the image obtained by said second image forming lens upon the object on a second plane, a storage device stored with the data detected by said data detecting device as a correction value when the image obtained by said first image forming lens is focused on the object on the first plane, and a data creating device for correcting the data detected by said data detecting device on the basis of the correction value stored in said storage device and for creating an item of focusing data for focusing the image obtained by said first image forming lens upon said object on the first plane.

Applicants respectfully submit that Kinba et al. fails to teach or suggest storing, as a correction value, information upon an in-focus state (the contrast detection AF) by the first image forming lens so that in-focus information is created upon in-focus state (phase-difference detection AF) based on the correction value by the second image forming lens. Thus, Kinba et al. fails to teach or suggest at least the second focusing estimating portion of independent claim 44. For at least this reason, Applicants respectfully submit that claim 44 patentably distinguishes over the prior art and is in condition for allowance.

Independent claim 46 recites, in relevant part, a second focusing estimating portion similar to that of independent claim 44. Accordingly, Applicants respectfully submit that independent claim 46 distinguishes over the prior art for similar reasons as independent claim 44 and, therefore, is in condition for allowance.

As Kinba et al. fails to teach or suggest all of the features of independent claims 43, 44, and 46, Applicants respectfully submit that dependent claims 45, 47, and 48, which depend either directly or indirectly therefrom, also patentably distinguish over the prior art and are in condition for allowance.

**CONCLUSION**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed or believes that the Examiner needs further clarification or understanding of the features of the claims not disclosed in Kinba et al., it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

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**IN THE DRAWINGS:**

In the Office Action at page 2, the Examiner objected to the drawings. In order to overcome these objections, replacement figures for Figures 1-9 are submitted herewith. FIGS. 1-9 have been amended so that each of the figures is designated as –Prior Art–. Approval of these changes to the Drawings is respectfully requested.

Replacement sheet 1 contains replacement Fig. 1. Replacement sheet 2 contains replacement Fig. 2. Replacement sheet 3 contains replacement Figs. 3 and 4. Replacement sheet 4 contains replacement Figs. 5 and 6. Replacement sheet 5 contains replacement Figs. 7 and 8. Replacement sheet 6 contains replacement Fig. 9.

For the Examiner's convenience, annotated copies of all replacement sheets have been submitted herewith.

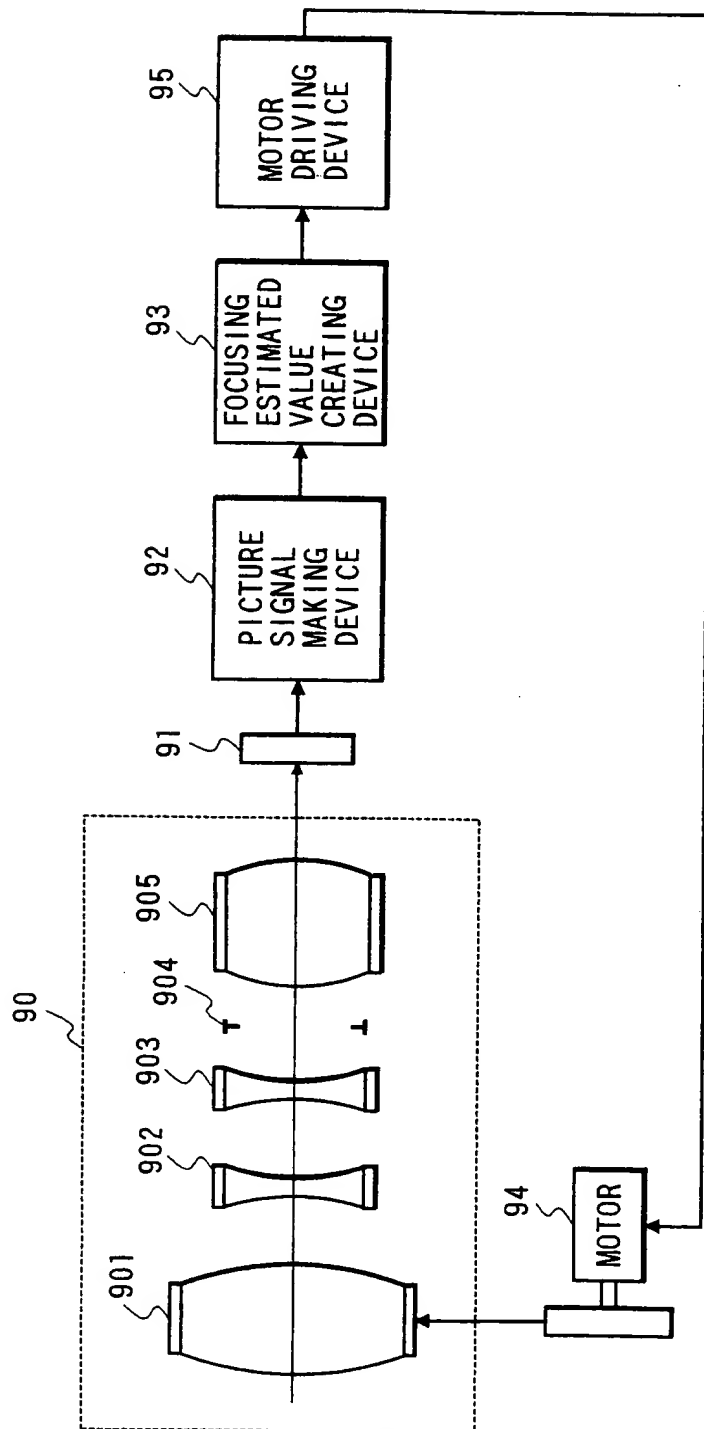
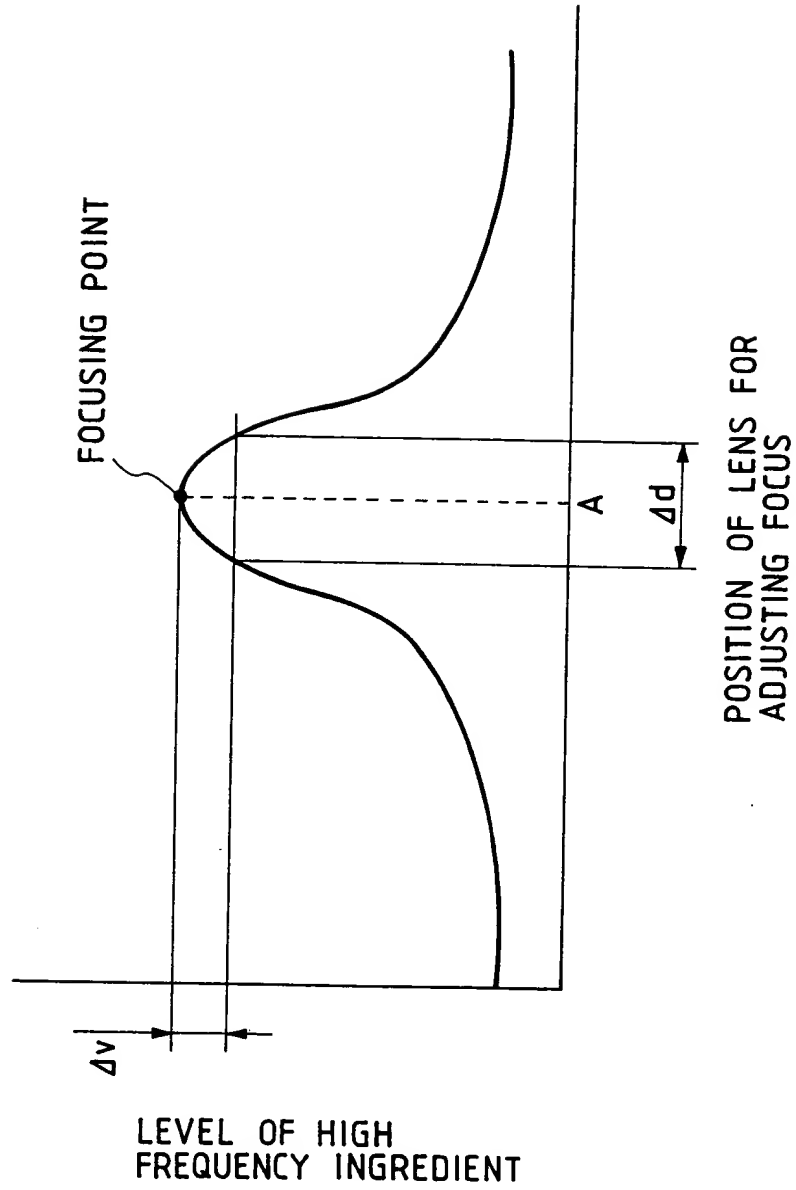




FIG. 2 (PRIOR ART)





ANNOTATED SHEET

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FIG. 3 (PRIOR ART)

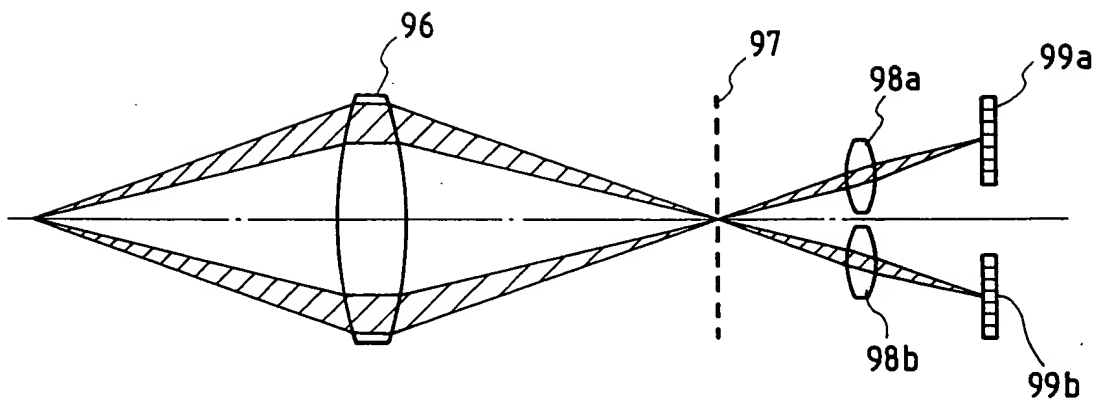
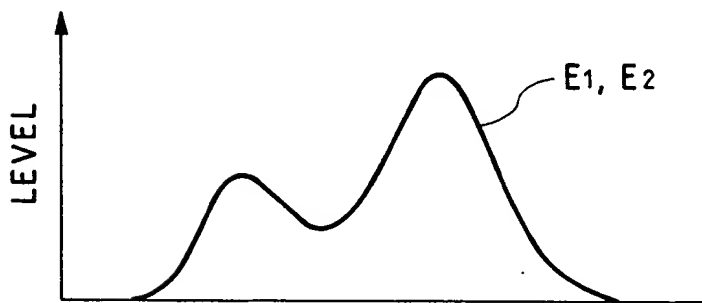


FIG. 4 (PRIOR ART)



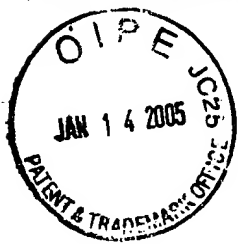


FIG. 5 (PRIOR ART)

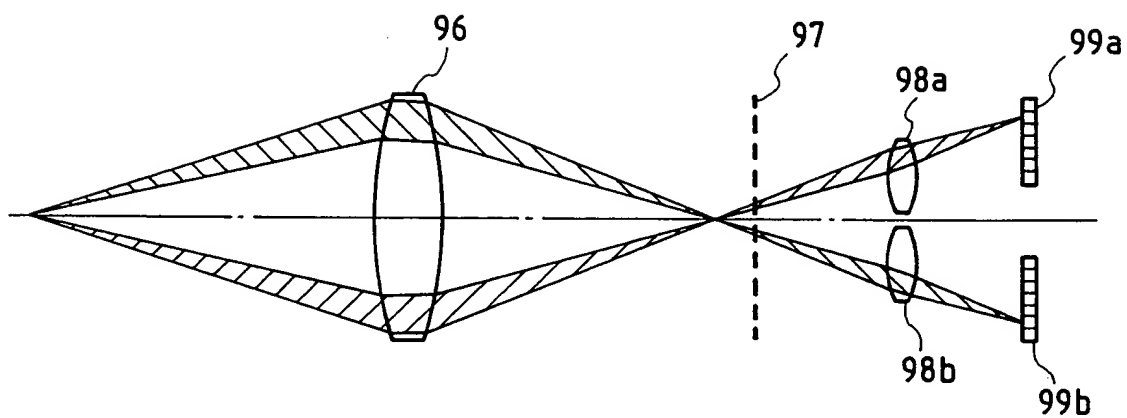
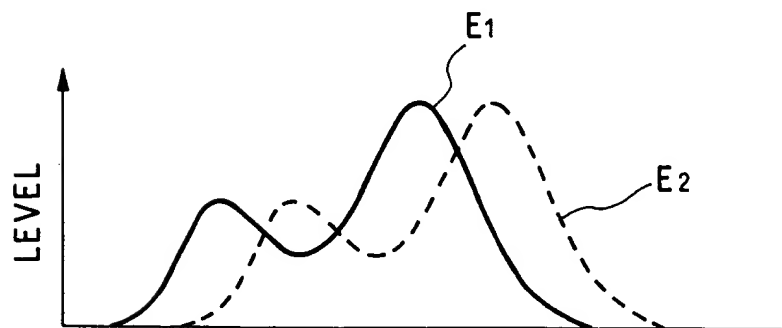
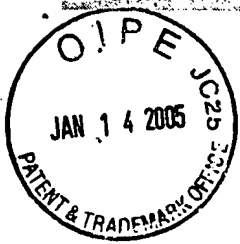


FIG. 6 (PRIOR ART)





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FIG. 7 (PRIOR ART)

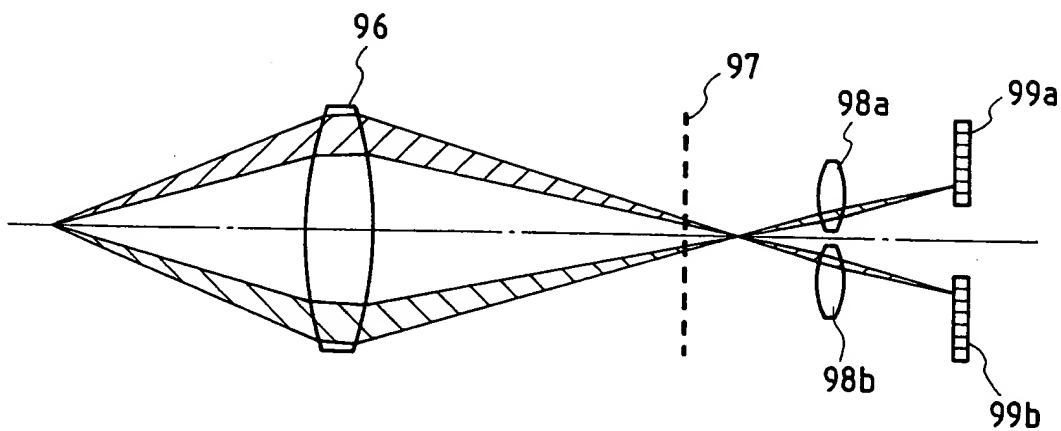
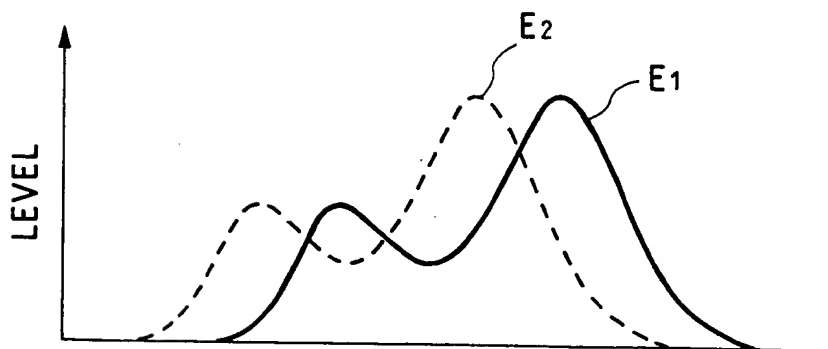


FIG. 8 (PRIOR ART)





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FIG. 9 (PRIOR ART)

